

DOCUMENT NO. 5143
ADOPTED 3/9/89

REVISED RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY RE: THE TENTATIVE DESIGNATION OF 103, 105 AND 126 FISHER AVENUE LOCATED IN JAMAICA PLAIN, CITY OF BOSTON.

WHEREAS, the Boston Redevelopment Authority, (hereinafter referred to as the "Authority"), has entered into a contract for loans and capital grants with the Federal Government under Title I of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter identified project; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of projects with federal financing assistance under said Title I, including those prohibiting discrimination because of race, color, sex, religion, or national origin; and

WHEREAS, the Indian Counsel Limited Partnership has expressed an interest and submitted a satisfactory proposal for the development of 103, 105 and 126 Fisher Avenue in Jamaica Plain; and

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment; and

WHEREAS, the Authority intends to accept the transfer of 103 and 105 Fisher Avenue to the Authority from the City of Boston:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That the Indian Council Limited Partnership be and hereby is tentatively designated as Redeveloper of 103, 105 and 126 Fisher Avenue in Jamaica Plain, Boston, subject to:

(a) Publication of all public disclosures and issuance of all approvals required by the Massachusetts General Laws and Title I of the Housing Acts of 1949, as amended:

(b) Acquisition by the Authority of 103 and 105 Fisher Avenue, Jamaica Plain with marketable title:

(c) Submission within two hundred seventy (270) days in a form satisfactory to the Authority of:

(i) Evidence of the availability of necessary equity funds, as needed; and

(ii) Evidence of firm financial commitments from banks or other lending institutions; and

(iii) Final Working Drawings and Specifications; and

(iv) Proposed development and construction schedules.

2. That disposal of said 103, 105 and 126 Fisher Avenue by negotiation is the appropriate method of making the land available for redevelopment.
3. That it is hereby found and determined that the proposed development will not result in significant damage to or impairment of the environment, and further, that all practicable feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment.
4. That the Director is hereby authorized for and on behalf of the Boston Redevelopment Authority to execute a Land Disposition Agreement conveying 103, 105 and 126 Fisher Avenue, Jamaica Plain to the Redeveloper, said documents to be in the Authority's usual form, including such additional terms as the Director deems appropriate and in the best interests of the Authority.
5. That the Redeveloper be and hereby is authorized to petition to the Board of Appeals for any zoning changes that may be necessary to complete the proposed development.
6. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105(E) of the Housing Act of 1949, as amended, including information with respect to the "Redeveloper's Statement for Public Disclosure" (Federal Form H-6004).

SITE
LOCATIONS



SITE LOCATION



OPTION AGREEMENT

THIS AGREEMENT is made this ____ day of February, 1989, by and between Hi-Tech Development Corp. and Boston Indian Council.

WHEREAS, the parties have entered into the Certificate and Agreement of Limited Partnership of Indian Council Limited Partnership (the "Partnership") and

WHEREAS, Hi-Tech Development Corp wishes to provide for the possible acquisition of all the interests in the Partnership to the exclusion of all other persons; and

WHEREAS, the Boston Indian Council is willing to grant to Hi-Tech Development Corp. an option to acquire its interest in the Partnership;

NOW THEREFORE, for good and valuable consideration (including the mutual covenants set forth herein), the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Boston Indian Council hereby grants to Hi-Tech Development Corp. the sole and exclusive option to acquire all right, title and interest of Boston Indian Council in and to its 33 1/3% interest in the Partnership as a Limited Partner. Said option may be exercised at any time during the term of this Agreement by tendering to Boston Indian Council One Hundred Fifty Thousand Dollars (\$150,000) in cash or certified or cashier's check. Boston Indian Council shall thereupon execute and deliver to Hi-Tech Development Corp. the form of assignment attached hereto as Exhibit A.
2. Hi-Tech Development Corp. shall pay to Boston Indian Council, simultaneously with the execution of this Agreement, the sum of One Hundred Dollars (\$100.00) which may be paid in cash or by check.
3. This Agreement shall expire on September 1, 1989, unless extended. This Agreement shall be extended for a period of six (6) months upon the payment (on or before September 1, 1989) by Hi-Tech Development Corp. to Boston Indian Council of the sum of Five Hundred Dollars (\$500.00) in cash or by check.
4. This Agreement shall bind and inure to the benefit of the successors and assigns of the parties hereto.
5. This Agreement contains the entire agreement between the parties with respect to the transaction contemplated herein and supercedes all previous written or oral negotiations with respect thereto.

6. No change, modification, amendment or termination of this Agreement shall be valid unless in writing and signed by both parties.

7. This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and shall take effect as a sealed instrument.

IN WITNESS WHEREOF, we have signed this Agreement under seal on the date set forth above.

Hi-Tech Development Corp.

By _____
Robert Vitello, President

Boston Indian Council

By: _____

MEMORANDUM

MARCH 9, 1989

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: ANTHONY WILLIAMS, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD HOUSING AND DEVELOPMENT
ROBERT RUSH, SENIOR PROJECT MANAGER

SUBJECT: REVISED TENTATIVE DESIGNATION OF 103, 105 and 126 FISHER
AVENUE

SUMMARY: This memorandum requests that the BRA revise the November 10, 1988 Tentative Designation of the Boston Indian Council, Inc. (BIC) of Boston, Massachusetts as Redeveloper of 103, 105, and 126 Fisher Avenue, in order to substitute as Redeveloper the INDIAN COUNCIL LIMITED PARTNERSHIP.

The Boston Indian Council (BIC), a non-profit organization, has been providing social services to Native Americans in the Greater Boston Area since 1970. The BIC fills a major gap as the only service organization which specifically addresses the culturally unique social issues faced by its clients. The BIC also increases the social service sources of the City of Boston by \$1.3 million dollars from federal and other sources.

The November 10, 1988 BIC proposal voted by the BRA called for the development of 8,114 sq. ft. on City-owned parcels 1220 and 1221 located at 103 and 105 Fisher Avenue, along with 11,602 square feet of land on BRA Parcel 1340 at 126 Fisher Avenue. It was proposed that twelve (12) units of homeownership housing be developed on these sites. The minimum \$150,000 profit from this development would preserve the existing twenty-three (23) units of Boston Indian Council SRO housing at 107 Fisher Avenue. Specifically, the BRA voted to assist the development in three basic ways:

1. to accept title to parcels 103 and 105 Fisher Avenue (a.k.a. parcels 1220 and 1221 respectively); and
2. to assist the BIC in finding a co-developer to participate in the project; and
3. to tentatively designate the BIC as Redeveloper of BRA Parcel 1340 at 126 Fisher Avenue.

In accordance with Section (2) above, the BIC has secured a co-developer to participate in the project. This co-developer is Hi-Tech Development Corp., (Hi-Tech) familiar to the BRA as the successful developer which rebuilt the Lonsdale Street homes and the Southwest Crossing homes in Dorchester. BIC and Hi-Tech wish to form a Limited Partnership as the

instrument of their co-development, under the terms of which TIC, at a minimum, will secure immediately a benefit of \$150,000 from the development. (See attached Option Agreement.) Such a co-development association will ensure the continued existence of the twenty-three (23) SRO affordable units at 107 Fisher Avenue, and the successful development of homeownership housing on the parcels at 103, 105, and 126 Fisher Avenue.

Therefore it is recommended that the BRA revise the November 10, 1988 Tentative Designation of the Boston Indian Council, Inc. (BIC) of Boston, Massachusetts as Redeveloper of 103, 105 and 126 Fisher Avenue, in order to substitute as Redeveloper the INDIAN COUNCIL LIMITED PARTNERSHIP for the purpose of developing twelve (12) homeownership units, in order to satisfy BIC outstanding indebtedness and preserve 107 Fisher Avenue as an affordable SRO facility.

An appropriate resolution is attached: